

## Probationary Rejection Appeals

### Criteria Utilized to Make Routing Decision to Civil Service Commission

February 24, 2010

#### 1. Timeliness

Per Rule 4.06(b).1., the appeal must be filed within **10 days** following service of a final written order or notice of action.

- If the appeal is untimely: Do not route.
- If the appeal is timely: Evaluate further.

#### 2. Basis for Appeal

Discrimination (as provided for in Rule 16.02) is cited as the reason for the appeal. Discrimination categories include those cited in Rule 16.02:

- Political or Religious Opinions or Affiliations
- Age
- Race
- Sex
- Race
- Color
- National Origin
- Marital Status
- Disability
- Sexual Orientation
- Other non-merit factor – Interpretation as follows:

Discrimination is commonly (dictionary.com) defined as *“treatment or consideration of, or making distinction in favor of or against, a person based on the **group, class, or category** to which that person belongs rather on individual merit.”* In addition, utilizing the maxim that “particular expressions qualify those which are general,” a non-merit factor in this case, will be any other specific group, class or category that was not identified in the previous specific list. Such factors could include: medical condition, genetic information, gender identity, pregnancy, military or veteran status.

- If the appeal form does not cite discrimination as the reason for the appeal OR the word discrimination is used but one of the categories cited above is not: Do not route.
- If the appeal form cites discrimination as the reason the appeal AND the discrimination complaint includes one of the categories described above: Evaluate further.

### 3. Support of Allegation

Any appeal of a probationary rejection meeting the criteria above, shall include a description of the discriminatory act or behavior supporting the claim of discrimination. For example, a claim of disparate treatment based on one or more of the above criteria should include a comparison to other people not belonging to the group, class, or category as the appellant. Those appeal forms lacking reasonable supportive data will not be routed to the Commission.

- If the allegations are not supported by a reasonable description of the act or behavior: Do not route.
- If the appeal is supported by a reasonable description of the act or behavior: Route to Commission.

### 4. Appeal of Routing Decision

In the event the appellant does not agree with the final routing decision of the Human Resources Director, the Rules provide for an appeal of the routing decision to the Commission.